

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

DANIEL KLEEGERG, LISA STEIN  
and AUDREY HAYS,

Plaintiffs,

vs.

LESTER EBER, ALEXBAY, LLC  
f/k/a LESTER EBER, LLC,  
CANANDAIGUA NATIONAL CORPORATION  
d/b/a CANANDAIGUA NATIONAL BANK AND TRUST,  
ESTATE OF ELLIOT W. GUMAER, JR.,  
EBER BROS. & CO, INC.,  
EBER BROS. WINE AND LIQUOR CORP.,  
EBER BROS. WINE & LIQUOR METRO, INC.,  
EBER CONNECTICUT, LLC, and WENDY EBER

**Civil Action No.**  
1:16-cv-09517

Defendants.

---

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of August, 2018, the foregoing Notice of Cross-Motion, Affidavit of Wendy Eber, Affidavit of Lester Eber and Memorandum of Law were filed electronically with the Clerk of the U.S. District Court for the Southern District of New York using its CM/ECF system. Notice of this filing is being sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

DATED: August 19, 2018  
Rochester, New York

UNDERBERG & KESSLER LLP

/s/ Paul F. Keneally, Esq.  
Paul F. Keneally, Esq., of Counsel  
*Attorneys for Eber Defendants*  
300 Bausch & Lomb Place  
Rochester, New York 14604  
Telephone: (585) 258-2800  
pkeneally@underbergkessler.com